

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2012-117032-002 DT

10/11/2012

HONORABLE MARGARET R. MAHONEY

CLERK OF THE COURT

I. Huerta

Deputy

STATE OF ARIZONA

KALON METZ

v.

IVY LEE DAVIS JR. (002)

DOB: 06/06/1982

JOHN W MCBEE

APO-SENTENCINGS-CCC

APPEALS-CCC

DISPOSITION CLERK-CSC

RFR

SUSPENSION OF SENTENCE - INTENSIVE PROBATION

9:45 a.m.

Courtroom CCB 1304

State's Attorney: Krystal Garza

Defendant's Attorney: Above named counsel

Defendant: Present

Court Reporter, Tara Kramer, is present.

A record of the proceeding is also made by audio and/or videotape.

Count(s) 1: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

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OFFENSE: Count 1 Burglary in the Second Degree  
Class 3 Felony  
A.R.S. § 13-1507, 1501, 701, 702, 801, 301, 302, 303, 304  
Date of Offense: 03/28/2012  
Non Dangerous - Non Repetitive

The Court is suspending imposition or execution of sentence and, under the supervision of the Adult Probation Department (APD), placing the defendant on probation for:

Count 1 Probation Term: 3 years

To begin 10/11/2012.

IT IS ORDERED that probation in this cause number shall run concurrent with probation in CR2011-145395-001.

Condition 6: Report to the APD within 72 hours of sentencing, absolute discharge from prison, release from incarceration, or residential treatment and continue to report as directed. Keep APD advised of progress toward case plan goals and comply with any written directive of the APD to enforce compliance with the conditions of probation. Provide DNA testing if required by law.

Condition 8 - Request and obtain written permission of the APD prior to leaving the state.

Condition 15: Restitution, Fines and Fees:

PROBATION SERVICE FEE: Count 1 - \$75.00 per month, beginning 01/01/2013.

PROBATION SURCHARGE: Count 1 - \$20.00 payable on 01/01/2013.

PENALTY ASSESSMENT - A.R.S. §12-116.04: Count 1 - \$13.00 payable on 01/01/2013.

Investigative Agency :

Avondale Police Department

All amounts payable through the Clerk of the Superior Court.

The Court retains jurisdiction for any future restitution hearings.

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Condition 16 - Not consume or possess any substances containing alcohol.

Condition 19: Not have any contact with the victim(s) in any form, unless approved in writing by the APD.

Condition 21 - Abide by the special conditions of probation as noted on the attachment to the Uniform Conditions of Supervised Probation as follows:

Domestic Violence

Condition 21 - Abide by the special conditions of probation as noted on the attachment to the Uniform Conditions of Supervised Probation as follows:

Intensive Probation

Condition 22: Other - I will not return to the scene of the crime. I will not have contact with co-defendants.

Defendant is advised pursuant to A.R.S. § 13-805 that failure to maintain contact with the Probation Department may result in the issuance of:

1. A criminal restitution order in favor of the state for the unpaid balance, if any, of any fines, costs, incarceration costs, fees, surcharges or assessments imposed.
2. A criminal restitution order in favor of each person entitled to restitution for the unpaid balance of any restitution ordered.

IT IS ORDERED granting the Motion to Dismiss the following: the allegation of the defendant's four historical prior felony convictions and the allegation that the defendant committed this offense while on felony probation.

IT IS FURTHER ORDERED Defendant be released from custody for this case only.

IT IS FURTHER ORDERED that Defendant must submit to DNA testing for law enforcement identification purposes and pay the applicable fee for the cost of that testing in accordance with A.R.S. § 13-610.

The presentence investigation report is filed under this cause.

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10:02 a.m. Matter concludes.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>.  
Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.

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Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ HONORABLE MARGARET R. MAHONEY  
JUDGE OF THE SUPERIOR COURT

(right index fingerprint)